

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

WESAM EL-HANAFI, et al.,

Defendants.

10 CR 162 (KMW)

NOTICE OF MOTION

**PLEASE TAKE NOTICE**, that upon the annexed Declaration of JaneAnne Murray, Esq., the annexed Declaration of Wesam El-Hanafi,<sup>1</sup> the accompanying Memorandum of Law, and all prior papers and proceedings herein, the defendant, WESAM EL-HANAFI will move before the Honorable Kimba M. Wood, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, for the following relief:

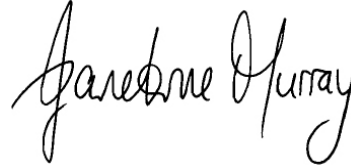
- (a) dismiss the indictment or order a hearing pursuant to *Kastigar v. United States*, 406 U.S. 441 (1972);
- (b) suppress Mr. El-Hanafi's statements;
- (c) suppress all evidence seized as a result of searches in Mr. El-Hanafi's email accounts;
- (d) permit Mr. El-Hanafi to join the motions filed by Sabirhan Hasanoff to the extent they apply to him;
- (e) grant leave to make additional motions as and if they become appropriate in light of further discovery;

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<sup>1</sup> With the consent of the government, both Declarations will be filed on June 6, 2011.

(f) Any such other and further relief as to the Court seems just and proper.

Dated: New York, New York  
June 3, 2011

A handwritten signature in black ink that reads "JaneAnne Murray". The signature is written in a cursive, flowing style.

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/s/

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Attorneys for Mr. Wesam El-Hanafi

To: CLERK OF THE COURT

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK

ALL DEFENSE COUNSEL